IN RE: PETITION FOR VARIANCE Southwest side of Bourque Avenue, 317 feet south of Bengies Road 15th Election District 6th Councilmanic District **(318 Bourque Avenue)** Philip W. Ruby, *Legal Owner* *Petitioner*	* * * * * * *	BEFORE THE DEPUTY ZONING COMMISSIONER OF BALTIMORE COUNTY CASE NO. 06-477-SPHA

* * * * * * * * * * * * * * * * *

AMENDED FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before this Deputy Zoning Commissioner as a request from the Peoples' Council to include comments from the Office of Planning into the original Order dated May 19, 2006.

Original Case

This matter originally came to the undersigned as Petitions for Special Hearing and Variance filed by the legal owner of the subject property, Philip W. Ruby for property located at 318 Bourque Avenue to allow an existing accessory structure (garage) with a proposed addition, to be larger than the principal dwelling as limited by definition of accessory structure. In addition, variance relief was requested from Section 400.3 of the B.C.Z.R., to allow an accessory structure with a height of 22.5 feet in lieu of the maximum allowed of 15 feet. These requests were granted in this Commission's May 19, 2006 Order.

Request for Clarification

Peoples Counsel pointed out that the Planning Office proposed restricting the use of the garage so that it would not be used as a second dwelling or for commercial purposes in the Office's April 17, 2006 ZAC comments. However these comments were not addressed in the Order.

Amended Order

I certainly recognize these comments as important and typical for accessory structures greater than 15 feet in height. Apparently they were overlooked in error. Therefore I will amend the May

19, 2006 Order to add the following restrictions: The petitioner or subsequent owners shall not convert the subject accessory structure into a dwelling unit or apartment, the structure shall not contain any sleeping quarters, living area, kitchen or bathroom facilities and the accessory structure shall not be used for commercial purposes.

THEREFORE, IT IS ORDERED, by the Deputy Zoning Commissioner for Baltimore County, this 8th day of June, 2006, that this Commissions' May 19, 2006 Order is amended to include the following additional restrictions:

1.The petitioner or subsequent owners shall not convert the subject accessory structure into a dwelling unit or apartment. The structure shall not contain any sleeping quarters, living area, kitchen or bathroom facilities.

2.The accessory structure shall not be used for commercial purposes.

IT IS FURTHER ORDERED that all other terms and conditions of this Commissioner's May 19, 2006 Order shall remain in full force and effect.

Any appeal of this decision must be made within thirty (30) days of the date of this Order.

John V. Murphy

JOHN V. MURPHY
DEPUTY ZONING COMMISSIONER
FOR BALTIMORE COUNTY

JVM:pz

ENTERED FOR FILING
6-8-06

BALTIMORE COUNTY

MARYLAND

JAMES T. SMITH, JR.
County Executive

June 9, 2006

WILLIAM J. WISEMAN III
Zoning Commissioner

ALFRED L BRENNAN JR, ESQUIRE
BRENNEN & BRENNAN
ATTORNEYS AT LAW
825 EASTERN BLVD
BALTIMORE MD 21221

Re: Amended Findings of Fact & Conclusions of Law
Case No. 06-477-SPHA
Property: 318 Bourque Avenue

Dear Mr. Brennan:

Please find an Amended Findings of Fact & Conclusions of law in the above-captioned case.

In the event the decision rendered is unfavorable to any party, please be advised that any party may file an appeal within thirty (30) days from the date of the Order to the Department of Permits and Development Management. If you require additional information concerning filing an appeal, please feel free to contact our appeals clerk at 410-887-3391.

Very truly yours,

John V. Murphy

John V. Murphy
Deputy Zoning Commissioner
for Baltimore County

JVM:pz
Enclosure

c: Philip W Ruby, 318 Bourque Avenue, Baltimore MD 21220
Rick Richardson, 110 Old Padonia Road, Suite LC, Cockeysville MD 21030
Peoples Counsel

6-2-06

use on any premises or to determine any rights whatsoever of such person in any property in Baltimore County insofar as they may be affected by these regulations.

Section 307 of the B.C.Z.R. *Variances*.

"The Zoning Commissioner of Baltimore County and the County Board of Appeals, upon appeal, shall have and they are hereby given the power to grant variances from height and area regulations, from off-street parking regulations, and from sign regulations only in cases where special circumstances or conditions exist that are peculiar to the land or structure which is the subject of the variance request and where strict compliance with the Zoning Regulations for Baltimore County would result in practical difficulty or unreasonable hardship. No increase in residential density beyond that otherwise allowable by the Zoning Regulations shall be permitted as a result of any such grant of a variance from height or area regulations. Furthermore, any such variance shall be granted only if in strict harmony with the spirit and intent of said height, area, off-street parking or sign regulations, and only in such manner as to grant relief without injury to the public health, safety and general welfare. They shall have no power to grant any other variances. Before granting any variance, the Zoning Commissioner shall require public notice to be given and shall hold a public hearing upon any application for a variance in the same manner as in the case of a petition for reclassification. Any order by the Zoning Commissioner or the County Board of Appeals granting a variance shall contain a finding of fact setting forth and specifying the reason or reasons for making such variance."

Zoning Advisory Committee Comments

The Zoning Advisory Committee (ZAC) comments are made part of the record of this case and contain the following highlights: None.

Interested Persons

Appearing at the hearing on behalf of the variance and special hearing requests were Phil Ruby, Petitioner. Rick Richardson of Richardson Engineering, Inc., who prepared the site plan was also in attendance. Alfred L. Brennan, Jr., Esquire represented the Petitioners. No Protestants or interested citizens attended the hearing. People's Counsel, Peter Max Zimmerman, entered the appearance of his office in this case.

Testimony and Evidence

Testimony and evidence indicated that the property, which is the subject of this variance request, contains 0.952 acres of land zoned DR 2 as shown in Petitioner's Exhibit 1, the Plat to Accompany. The property is composed of two lots back to back located on the west side of

RECEIVED FOR FILING
5-17-06

Bourque Avenue near Bengies Road. The property is improved by an existing two story single family dwelling and detached garage.

The Petitioner would like to build an addition to the existing garage on the rear lot as shown by the redline plan. He indicated that he has an extensive collection of antique and rare vehicles which he wants to store out of the weather. These include two campers, a 1930 Ford, motorcycle, display car, etc as shown on exhibit 2 A through 2 E. He opined that he is a retired mechanic but has no intention of doing any commercial repair or service of others' vehicles. The new garage would strictly be for his hobby of restoring old and servicing his own personal use vehicles. Although the proposed garage is large he noted that it is not out of character with the neighborhood as indicated in exhibit 4. The rear of the second lot where the new garage addition would be located is heavily wooded as shown by exhibit 3. His family owns the home next door. None of his neighbors object.

In regard to the height variance, he noted that one of the campers has a radio antenna which is nearly 16 feet high. In addition he will likely have to raise vehicles to service them. These parameters established the height of the garage doors. While there will be no attic or second floor in the addition, standard roof trusses result in a roof pitch which will raise the peak of the roof to 22.5 feet whereas only 15 feet is allowed in this DR zone. As a result he needs a variance for roof height.

In regard to the special hearing again the size of the addition needed is dictated by the vehicles and need to keep all out of the weather. Consequently he is proposing a 2400 sq. ft addition. Finally the fact that the addition would cross the lot line separating the two lots was discussed in light of the zoning merger doctrine now in Maryland. The Petitioner was aware of the doctrine and had no objections to considering the lots merged. Otherwise he would need additional variances for setback of a detached accessory structure from the dividing line between the lots.

RECEIVED FOR FILING

Findings of Fact and Conclusions of Law

Variances

In regard to any variance, I must find the property unique in a zoning sense. However when a height variance is requested the traditional ideas of property shape, environmental conditions, etc. specified in *Cromwell v Ward* are all on the horizontal plane. They clearly are not relevant to height variances which involve the vertical plane. I suppose that the lot in question could have some vertical peculiarity such as a hillside which one could argue impacts such a property differently from other lots in the district making the property unique. However for a flat lot as are most lots, there is simply no horizontal standard against which one can compare impact to other lots.

However Section 307 of the BCZR specifies that variance can be granted "only in cases where special circumstances or conditions exist that are peculiar to the land or structure which is the subject of the variance request." I find that the Petitioner's need for shelter from his antique and frankly strange vehicles is the special condition envisioned by the Section. It is peculiar to the proposed structure in that the need to shelter large vehicles drives the need to build the garage higher than the regulations allow. For example the antenna on one of the campers is 16 feet high. The regulations allow garages to be 15 feet high. This height includes the roof pitch and peak. Clearly this is an unusual situation.

However in traditional Cromwell v Ward analysis the peculiarity is already there albeit on a horizontal plane. The river that runs through it is there. The wetlands which restrict development is there. So that one can compare impact of regulations based on factors which are independent of the request. This gives separation from the request. This separation is important when considering whether or not the hardship or practical difficulty is self imposed. The holding in Cromwell v Ward was that the garage which Mr. Ward built without a permit was a self imposed hardship and the Commission allowed Mr. Ward to use his violation of law as a hardship.

RECEIVED FOR FILING
5-1-06

This case is quite different. The garage addition is not there. There is no violation of law. We are not backing into a variance by using the hardship to say the property is unique. The need to store cumbersome vehicles is the driving force and peculiar condition which then sets the height of the garage beyond the normal height allowed. It is the need to store these vehicles that makes the impact on this property different from the impact on other properties in the district. Consequently I find the property unique in a zoning sense.

I also find that the Petitioner would suffer practical difficulty if the regulations were strictly enforced. Clearly he could not store his large vehicles out of the weather and in a secure space.

Finally, I find that the height variance can be granted within the spirit and intent of the regulations and will not adversely affect the community. The Petitioner's photographs show there is no development behind the proposed garage addition other than woods. The neighbors who are mostly relatives do not object. There are many comparable large garages in the neighborhood. Consequently I will grant the variance requested.

Special Hearing

Again the need to store the Petitioner's large vehicles indoors dictates the size of the addition. As above I do not believe the fact the Petitioner will build a large garage will adversely impact this neighborhood. Consequently I will grant the special hearing request.

Pursuant to the advertisement, posting of the property, and public hearing on these Petitions held, and after considering the testimony and evidence offered by the Petitioner, I find that the Petitioner's requests for special hearing and variance should be granted.

THEREFORE, IT IS ORDERED, this 19th day of May, 2006, by the Deputy Zoning Commissioner, that the Special Hearing request filed pursuant to Section 500.7 of the Baltimore County Zoning Regulations (B.C.Z.R.), to allow an existing accessory structure (garage) with a proposed addition, to be larger than the principal dwelling as limited by definition of accessory structure, be and is hereby GRANTED;

IT IS FURTHER ORDERED, that the variance relief requested from Section 400.3 of the B.C.Z.R., to allow an accessory structure with a height of 22.5 feet in lieu of the maximum allowed of 15 feet, be and is hereby GRANTED, subject, however, to the following restriction which is a condition precedent to the relief granted herein:

1. The Petitioner may apply for his permit and be granted same upon receipt of this Order; however, Petitioner is hereby made aware that proceeding at this time is at his own risk until such time as the 30 day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioner would be required to return, and be responsible for returning, said property to its original condition;

   Any appeal of this decision must be made within thirty (30) days of the date of this Order.

John V. Murphy

JOHN V. MURPHY
DEPUTY ZONING COMMISSIONER
FOR BALTIMORE COUNTY

JVM:raj

PLEASE PLAN FILING
5/15/06
By

BALTIMORE COUNTY
MARYLAND

JAMES T. SMITH, JR.
County Executive

May 19, 2006

WILLIAM J. WISEMAN III
Zoning Commissioner

ALFRED L BRENNAN JR, ESQUIRE
BRENNEN & BRENNAN
ATTORNEYS AT LAW
825 EASTERN BLVD
BALTIMORE MD 21221

Re: Petition for Variance
Case No. 06-477-SPHA
Property: 318 Bourque Avenue

Dear Mr. Brennan:

Enclosed please find the decision rendered in the above-captioned case

In the event the decision rendered is unfavorable to any party, please be advised that any party may file an appeal within thirty (30) days from the date of the Order to the Department of Permits and Development Management. If you require additional information concerning filing an appeal, please feel free to contact our appeals clerk at 410-887-3391.

Very truly yours,

John V. Murphy
Deputy Zoning Commissioner
for Baltimore County

JVM:pz
Enclosure

c Philip W Ruby, 318 Bourque Avenue, Baltimore MD 21220
Rick Richardson, 110 Old Padonia Road, Suite LC, Cockeysville MD 21030

Petition for Special Hearing

to the Zoning Commissioner of Baltimore County

for the property located at 318 Bourque Avenue
which is presently zoned DR-2

This Petition shall be filed with the Department of Permits and Development Management. The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Special Hearing under Section 500.7 of the Zoning Regulations of Baltimore County, to determine whether or not the Zoning Commissioner should approve

The allowance of an existing accessory structure (garage) with a proposed addition, to be larger than the principal dwelling as limited by definition of accessory struction as defined by Section 101 BCZR.

Property is to be posted and advertised as prescribed by the zoning regulations.
I, or we, agree to pay expenses of above Special Hearing, advertising, posting, etc. and further agree to and are to be bounded by the zoning regulations and restrictions of Baltimore County adopted pursuant to the zoning law for Baltimore County.

I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.

Contract Purchaser/Lessee:

Name - Type or Print

Signature

Address Telephone No.

City State Zip Code

Attorney For Petitioner:

Alfred L. Brennan, Jr., Esquire
Name - Type or Print

Signature

Brennan and Brennan, Attorneys at Law, P.A.
Company

825 Eastern Boulevard (410) 687-3434
Address Telephone No

Baltimore Maryland 21221
City State Zip Code

Legal Owner(s):

Philip W. Ruby
Name - Type or Print

Philip W Ruby
Signature

Name - Type or Print

Signature

318 Bourque Avenue (410) 979-8115
Address Telephone No.

Baltimore Maryland 21220
City State Zip Code

Representative to be Contacted:

See Attorney
Name

Address Telephone No

City State Zip Code

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING 1HR

UNAVAILABLE FOR HEARING —

Reviewed By JC Date 3/30/06

Case No. 06 477 SPHA

Petition for Variance

to the Zoning Commissioner of Baltimore County

for the property located at **318 Bourque Avenue**

which is presently zoned **DR-2**

This Petition shall be filed with the Department of Permits and Development Management. The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section(s)

400.3 to allow an accessory structure with a height of 22.5 Feet in lieu of the maximum allowed of 15 Feet.

of the Zoning Regulations of Baltimore County, to the zoning law of Baltimore County, for the following reasons: (indicate hardship or practical difficulty)

To be presented at Hearing.

Property is to be posted and advertised as prescribed by the zoning regulations.
I, or we, agree to pay expenses of above Variance, advertising, posting, etc. and further agree to and are to be bounded by the zoning regulations and restrictions of Baltimore County adopted pursuant to the zoning law for Baltimore County.

I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.

Contract Purchaser/Lessee:

Name - Type or Print

Signature

Address Telephone No.

City State Zip Code

Legal Owner(s):

Philip W. Ruby
Name - Type or Print

Philip W Ruby
Signature

Name - Type or Print

Signature

318 Bourque Avenue **(410) 979-8115**
Address Telephone No.

Baltimore **Maryland** **21220**
City State Zip Code

Attorney For Petitioner:

Alfred L. Brennan, Jr., Esquire
Name - Type or Print

Signature

Brennan and Brennan, Attorneys at Law, P.A.
Company

825 Eastern Boulevard **(410)687-3434**
Address Telephone No

Baltimore, **Maryland** **21221**
City State Zip Code

Representative to be Contacted:

See Attorney
Name

Address Telephone No.

City State Zip Code

OFFICE USE ONLY

Case No. 06 477 SPHA

ESTIMATED LENGTH OF HEARING 1HR

UNAVAILABLE FOR HEARING

Reviewed By JL Date 3/30/06

Rev 9/15/98

Richardson Engineering, LLC

110 Old Padonia Road, Suite LC
Cockeysville, Maryland 21030

410-560-1502, fax 410-560-0827

ZONING DESCRIPTION
318 BOURQUE AVENUE
15TH ELECTION DISTRICT
BALTIMORE COUNTY, MARYLAND

BEGINNING FOR THE SAME at a point in the center of Bourque Avenue, a right- of-way (30) feet in width, approximately 317 feet to the center line intersection of Bourque Avenue and Bengies Road, a right-of-way (50) feet in width, thence running and binding the centerline of Bourque Avenue (1) South 25 degrees East 130 feet, thence leaving Bourque Avenue, (2) South 65 degrees West 165 feet, (3) South 25 degrees East 60 feet, (4) South 55 degrees 57 minutes West 200.07 feet, (5) North 25 degrees West 106.34 feet, (6) North 47 degrees 11 minutes East 380.81 feet to the point of beginning.

Containing a gross area of 0.952 acres or 41,477 square feet of land, more or less.

06 477 SPHA

NOTICE OF ZONING HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing in Towson, Maryland on the property identified herein as follows:

Case: #06-477-SPHA
318 Borque Avenue
Southwest side of Borque Avenue, 317 feet of south Bengies Road
15th Election District — 6th Councilmanic District
Legal Owner(s): Philip W. Ruby

Special Hearing: to allow an existing accessory structure (garage) with a proposed addition, to be larger than the principal dwelling as limited by definition of accessory structure.

Variance: to allow an accessory structure with a height of 22.5 feet in lieu of the maximum allowed 15 feet.

Hearing: Monday, May 8, 2006 at 10:00 a.m. in Room 407, County Courts Building, 401 Bosley Avenue, Towson 21204.

WILLIAM J. WISEMAN, III
Zoning Commissioner for Baltimore County

NOTES: (1) Hearings are Handicapped Accessible; for special accommodations Please Contact the Zoning Commissioner's Office at (410) 887-3868.

(2) For information concerning the File and/or Hearing, Contact the Zoning Review Office at (410) 887-3391.

4/232 Apr. 20 92105

CERTIFICATE OF PUBLICATION

4/20/, 2006

THIS IS TO CERTIFY, that the annexed advertisement was published in the following weekly newspaper published in Baltimore County, Md., once in each of 1 successive weeks, the first publication appearing on 4/20/, 2006.

- [X] The Jeffersonian
- [ ] Arbutus Times
- [ ] Catonsville Times
- [ ] Towson Times
- [ ] Owings Mills Times
- [ ] NE Booster/Reporter
- [ ] North County News

S. Wilkinson

LEGAL ADVERTISING

BALTIMORE COUNTY, MARYLAND
OFFICE OF BUDGET & FINANCE
MISCELLANEOUS RECEIPT

No. 5619

DATE 3/30/06

ACCOUNT 001 006 6150

AMOUNT $ 130.00

RECEIVED FROM:

FOR: Rec SPH + Var
318 Bowyne

DISTRIBUTION
WHITE - CASHIER PINK - AGENCY YELLOW - CUSTOMER

PAID RECEIPT

MISCELLANEOUS	ACTION	TIME	DRW
3/31/2006	3/30/2006	13:50:44	

REG NUM WALK1N DRW 160 DETAIL
RECEIPT # 357783 3/30/2006
Dept 4 CSB ZONING VERIFICATION
CR NO. 005619 $130.00
Recpt Tot $130.00
$130.00 CK $0.00 CA
Baltimore County, Maryland

CASHIER'S VALIDATION

CERTIFICATE OF POSTING

RE: Case No.: 06-477-SPHA

Petitioner/Developer: PHILIP W. RUBY

Date of Hearing/Closing: 5-8-06

Baltimore County Department of
Permits and Development Management
County Office Building, Room 111
111 West Chesapeake Avenue
Towson, Maryland 21204

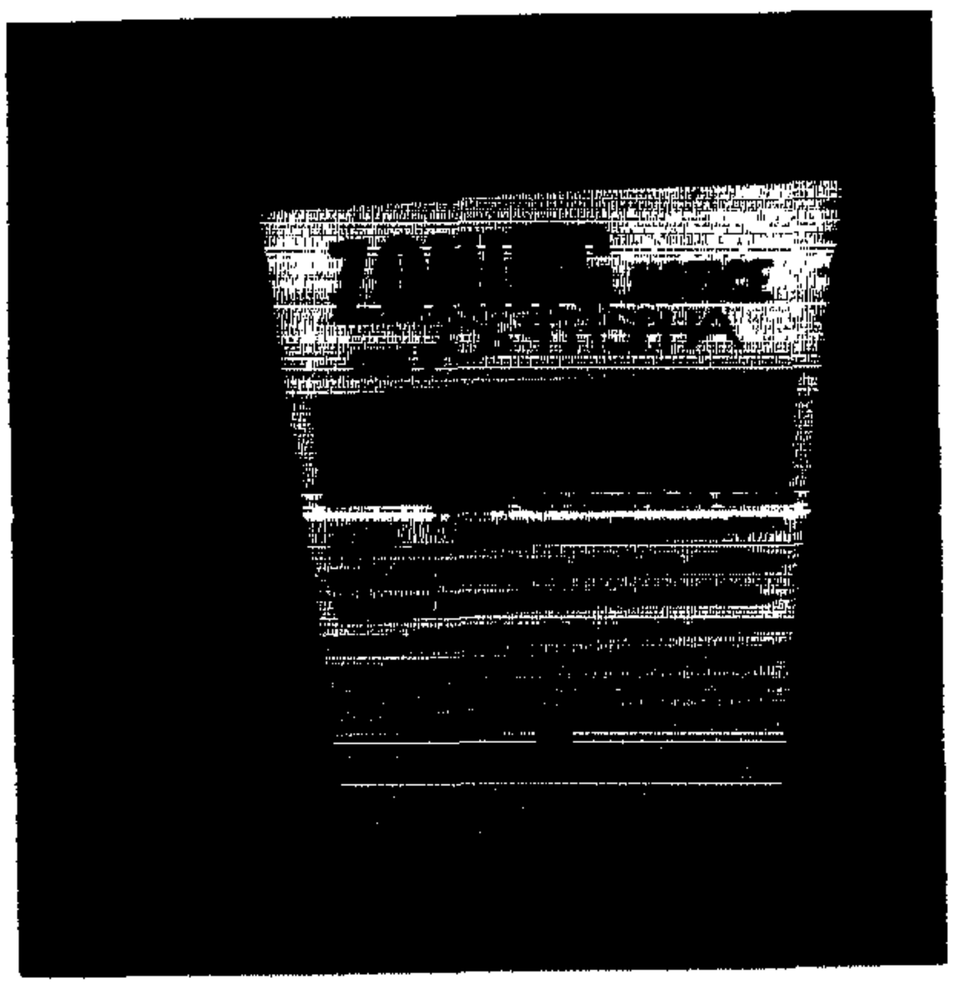
ATTN: Kristen Matthews {(410) 887-3394}

Ladies and Gentlemen:

This letter is to certify under the penalties of perjury that the necessary sign(s) required by law were posted conspicuously on the property located at: 318 BOURQUE AVE

The sign(s) were posted on 4-22-06
(Month, Day, Year)

Sincerely,



Robert Black 4-24-06
(Signature of Sign Poster) (Date)

SSG Robert Black
(Print Name)

1508 Leslie Road
(Address)

Dundalk, Maryland 21222
(City, State, Zip Code)

(410) 282-7940
(Telephone Number)

DEPARTMENT OF PERMITS AND DEVELOPMENT MANAGEMENT
ZONING REVIEW

ADVERTISING REQUIREMENTS AND PROCEDURES FOR ZONING HEARINGS

The Baltimore County Zoning Regulations (BCZR) require that notice be given to the general public/neighboring property owners relative to property which is the subject of an upcoming zoning hearing. For those petitions which require a public hearing, this notice is accomplished by posting a sign on the property (responsibility of the petitioner) and placement of a notice in a newspaper of general circulation in the County, both at least fifteen (15) days before the hearing.

Zoning Review will ensure that the legal requirements for advertising are satisfied. However, the petitioner is responsible for the costs associated with these requirements. The newspaper will bill the person listed below for the advertising. This advertising is due upon receipt and should be remitted directly to the newspaper.

OPINIONS MAY NOT BE ISSUED UNTIL ALL ADVERTISING COSTS ARE PAID.

For Newspaper Advertising:

Item Number or Case Number: 06-477-SPHA

Petitioner: Ruby

Address or Location: 318 Bourque Ave, Baltimore, Md. 21220

PLEASE FORWARD ADVERTISING BILL TO:

Name: Alfred L Brennan Jr

Address: 825 Eastern Blvd
Baltimore Md 21221

Telephone Number: 410-687-3131

Revised 2/20/98 - SCJ

Department of Permits and Development Management

Director's Office
County Office Building
111 W. Chesapeake Avenue
Towson, Maryland 21204
Tel: 410-887-3353 • Fax: 410-887-5708

Baltimore County

James T. Smith, Jr., County Executive
Timothy M. Kotroco, Director

April 7, 2006

NOTICE OF ZONING HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing in Towson, Maryland on the property identified herein as follows:

CASE NUMBER: 06-477-SPHA
318 Bourque Avenue
Southwest side of Bourque Avenue, 317 feet of south Bengies Road
15th Election District – 6th Councilmanic District
Legal Owner: Philip W. Ruby

Special Hearing to allow an existing accessory structure (garage) with a proposed addition, to be larger than the principal dwelling as limited by definition of accessory structure.

Variance to allow an accessory structure with a height of 22.5 feet in lieu of the maximum allowed 15 feet.

Hearing: Monday, May 8, 2006 at 10:00 a.m. in Room 407, County Courts Building, 401 Bosley Avenue, Towson, MD 21204

Timothy Kotroco
Director

TK:raj

C: Alfred L. Brennan, Jr., Esq., Brennan & Brennan, 825 Eastern Boulevard, Baltimore, MD 21221
Philip W. Ruby, 318 Bourque Avenue, Baltimore, MD 21220

NOTES: (1)**THE PETITIONERS MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY SATURDAY, APRIL 22, 2006.**
(2) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL THE ZONING COMMISSIONER'S OFFICE AT 410-887-3868.
(3) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THE ZONING REVIEW OFFICE AT 410-887-3391.

TO: PATUXENT PUBLISHING COMPANY
Thursday, April 20, 2006 Issue - Jeffersonian

Please forward billing to:
Alfred L. Brennan, Jr., Esquire (410-687-3434)
825 Eastern Boulevard
Baltimore, MD 21221

NOTICE OF ZONING HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing in Towson, Maryland on the property identified herein as follows:

CASE NUMBER: 06-477-SPHA
318 Bourque Avenue
Southwest side of Bourque Avenue, 317 feet of south Bengies Road
15th Election District – 6th Councilmanic District
Legal Owner: Philip W. Ruby

Special Hearing to allow an existing accessory structure (garage) with a proposed addition, to be larger than the principal dwelling as limited by definition of accessory structure.

Variance to allow an accessory structure with a height of 22.5 feet in lieu of the maximum allowed 15 feet.

Hearing: Monday, May 8, 2006 at 10:00 a.m. in Room 407, County Courts Building,
401 Bosley Avenue, Towson, MD 21204

WILLIAM J. WISEMAN III
ZONING COMMISSIONER FOR BALTIMORE COUNTY

NOTES: (1) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMODATIONS, PLEASE CONTACT THE ZONING COMMISSIONER'S OFFICE AT 410-887-3868.
(2) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THE ZONING REVIEW OFFICE AT 410-887-3391.

Department of Permits and Development Management

Development Processing
County Office Building
111 W. Chesapeake Avenue
Towson, Maryland 21204

Baltimore County

James T Smith, Jr, County Executive
Timothy M. Kotroco, Director

May 5, 2006

Alfred L. Brennan, Jr. Esquire
Brennan and Brennan, Attorneys at Law, P.A.
825 Eastern Boulevard
Baltimore, MD 21221

Dear Mr. Brennan:

RE: Case Number: 06-477-SPHA, 318 Bourque Avenue

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on March 30, 2006.

The Zoning Advisory Committee (ZAC), which consists of representatives from several approval agencies, has reviewed the plans that were submitted with your petition. All comments submitted thus far from the members of the ZAC are attached. These comments are not intended to indicate the appropriateness of the zoning action requested, but to ensure that all parties (zoning commissioner, attorney, petitioner, etc.) are made aware of plans or problems with regard to the proposed improvements that may have a bearing on this case. All comments will be placed in the permanent case file.

If you need further information or have any questions, please do not hesitate to contact the commenting agency.

Very truly yours,

W. Carl Richards, Jr.
Supervisor, Zoning Review

WCR:amf

Enclosures

c: People's Counsel
Philip W. Ruby 318 Bourque Avenue Baltimore 21220

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Timothy M. Kotroco, Director
Department of Permits and
Development Management

DATE: April 17, 2006

FROM: Arnold F. 'Pat' Keller, III
Director, Office of Planning

SUBJECT: 6-477 –Variance and Special Hearing

The Office of Planning does not oppose the petitioner's request to permit an accessory structure (garage) with a height of 22.5 feet in lieu of the maximum permitted 15 feet and to be larger than the principle structure provided the following conditions are met:

1. The petitioner or subsequent owners shall not convert the subject accessory structure into a dwelling unit or apartment. The structure shall not contain any sleeping quarters, living area, kitchen or bathroom facilities.
2. The accessory structure shall not be used for commercial purposes.

For further information concerning the matters stated herein, please contact Laurie Hay at 410-887-3480.

Prepared by: Curtis Spurrier

Section Chief: Lyn Lanham

AFK/LL: CM

RECEIVED

APR 2006

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

TO: Timothy M. Kotroco, Director
Department of Permits & Development Management

DATE: April 14, 2006

FROM: Dennis A. Kennedy, Supervisor
Bureau of Development Plans Review

SUBJECT: Zoning Advisory Committee Meeting
For April 17, 2006
Item Nos. 471, 473, 476, 477, 478, 479, 480, 481, and 483

The Bureau of Development Plans Review has reviewed the subject zoning items, and we have no comments.

DAK:CEN:clw
cc: File
ZAC-NO COMMENTS-04142006.doc

Fire Department

700 East Joppa Road
Towson, Maryland 21286-5500
Tel: 410-887-4500

Baltimore County

James T Smith, Jr, County Executive
John J Hohman, Chief

County Office Building, Room 111
Mail Stop #1105
111 West Chesapeake Avenue
Towson, Maryland 21204

April 11,2006

ATTENTION: Zoning Review Planners

Distribution Meeting of: April 10, 2006

Item Numbers: 471-483 (477)

Pursuant to your request, the referenced plan(s) have been reviewed by this Bureau and the comments below are applicable and required to be corrected or incorporated into the final plans for the property.

1. The Fire Marshal's Office has no comments at this time.

.

Lieutenant Roland P Bosley Jr.
Fire Marshal's Office
410-887-4881 (C)443-829-2946
MS-1102F

cc: File

Robert L. Ehrlich, Jr., *Governor*
Michael S. Steele, *Lt. Governor*

State Highway Administration
Driven to Excel
Maryland Department of Transportation

Robert L. Flanagan, *Secretary*
Neil J. Pedersen, *Administrator*

Date: 4.17.06

Ms. Kristen Matthews
Baltimore County Office of
Permits and Development Management
County Office Building, Room 109
Towson, Maryland 21204

RE: Baltimore County
Item No. 477 JLL

Dear. Ms. Matthews:

This office has reviewed the referenced item and we have no objection to approval as it does not access a State roadway and is not affected by any State Highway Administration projects.

Should you have any questions regarding this matter, please contact Larry Gredlein at 410-545-5606 or by E-mail at (lgredlein@sha.state.md.us).

Very truly yours,

S. D. Foster

Steven D. Foster, Chief
Engineering Access Permits Division

RE: PETITION FOR SPECIAL HEARING AND VARIANCE	*	BEFORE THE
318 Bourque Avenue; SW/S Bourque Avenue, 317' S Bengies Road	*	ZONING COMMISSIONER
15th Election & 6th Councilmanic Districts	*	FOR
Legal Owner(s): Philip W. Ruby		
Petitioner(s)	*	BALTIMORE COUNTY
	*	06-477-SPHA

* * * * * * * * * * * * *

ENTRY OF APPEARANCE

Please enter the appearance of People's Counsel in the above-captioned matter. Notice should be sent of any hearing dates or other proceedings in this matter and the passage of any preliminary or final Order. All parties should copy People's Counsel on all correspondence sent/ documentation filed in the case.

Peter Max Zimmerman

PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

Carole S. Demilio

CAROLE S. DEMILIO
Deputy People's Counsel
Old Courthouse, Room 47
400 Washington Avenue
Towson, MD 21204
(410) 887-2188

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 13th day of April, 2006, a copy of the foregoing Entry of Appearance was mailed mailed Alfred L. Brennan, Jr, Esquire, 825 Eastern Boulevard, Baltimore, MD 21221, Attorney for Petitioner(s).

RECEIVED
APR 13 2006
Per.....

Peter Max Zimmerman

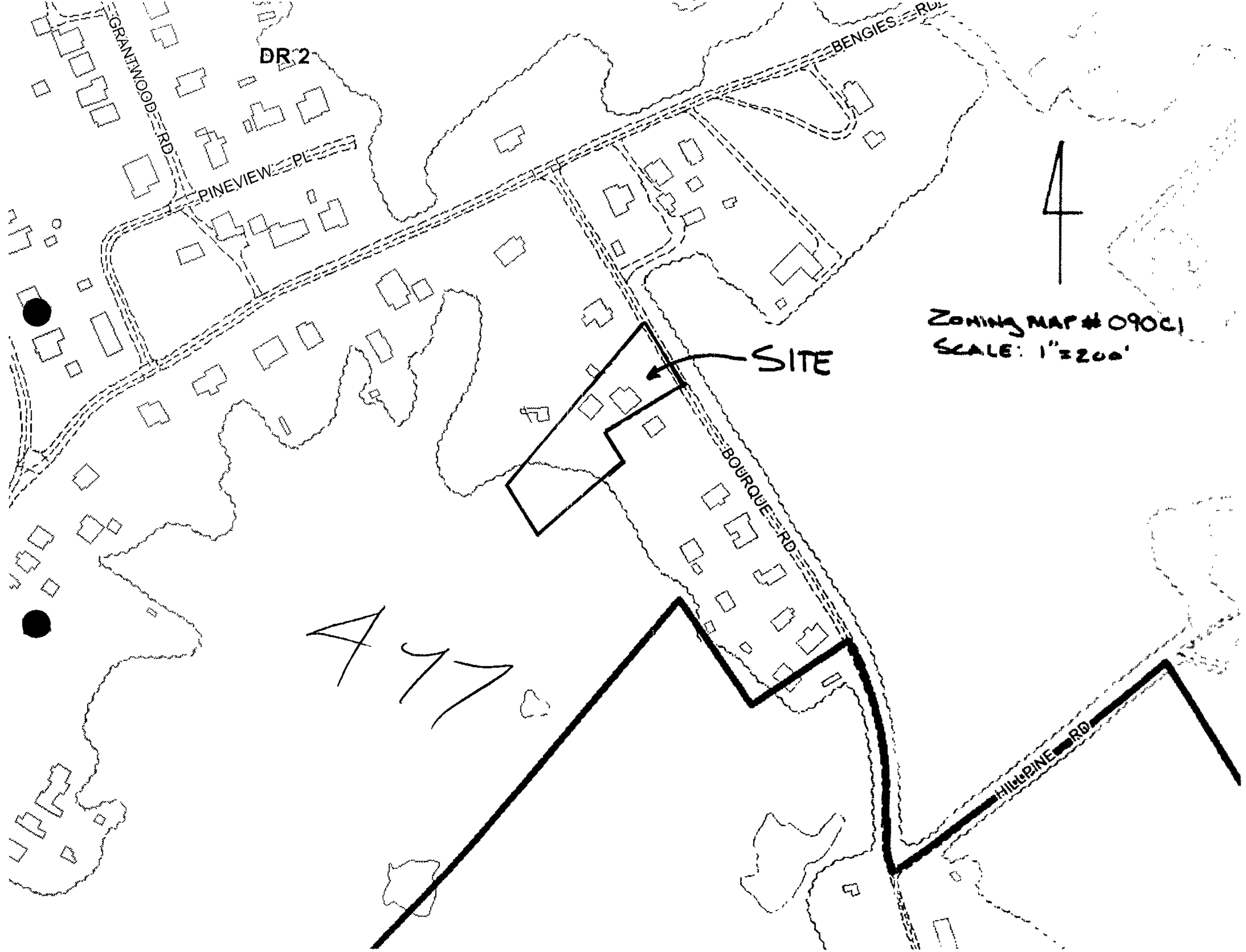
PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

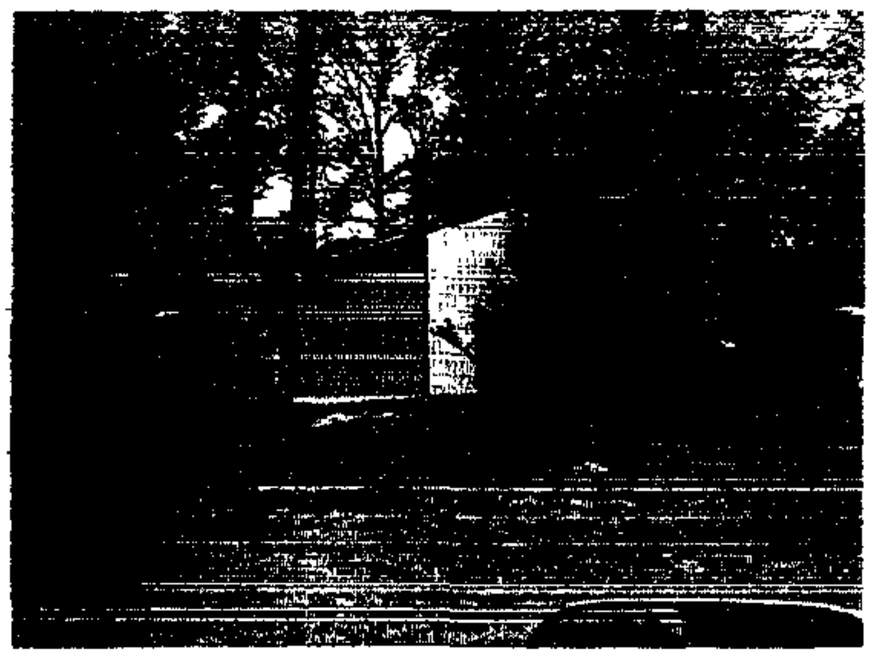
PLEASE PRINT CLEARLY

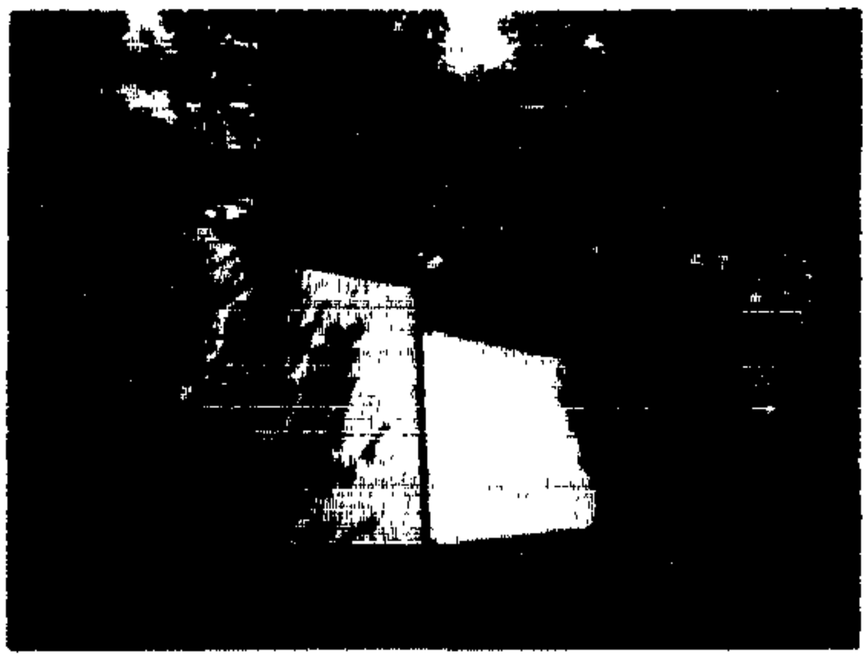
CASE NAME 318 BOURQUE AVE
CASE NUMBER 06-477-SPHA
DATE 5/8/06

PETITIONER'S SIGN-IN SHEET

NAME	ADDRESS	CITY, STATE, ZIP	E-MAIL
Alfred L Burnett	825 Eastern Blvd	Baltimore MD 21221	Alb@burnettlaw.com
RICK RICHARDSON	110 OLD PADONIA RD SUITE LC	COCKEYSVILLE MD 21030	RICK@RICHARDSONENGINEERING.NET
Phil Ruby	318 BOURQUE Rd	Middle River 21220	—


DR 2
GRANTWOOD RD
PINEVIEW PL
BENGIES RD
BOURQUE RD
HILLPINE RD
SITE
4
ZONING MAP # 090C1
SCALE: 1"=200'
4 77





Pet #4

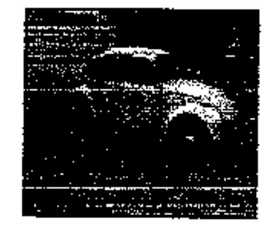
3A-3H

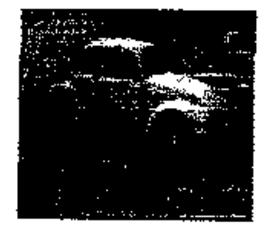
Pet #3

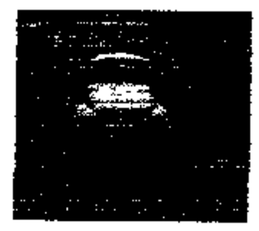
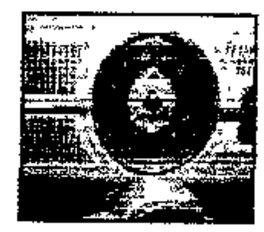
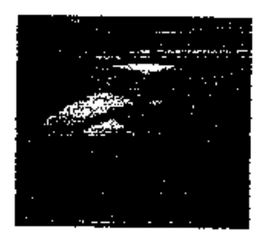
2

(1)

Click on a picture to enlarge

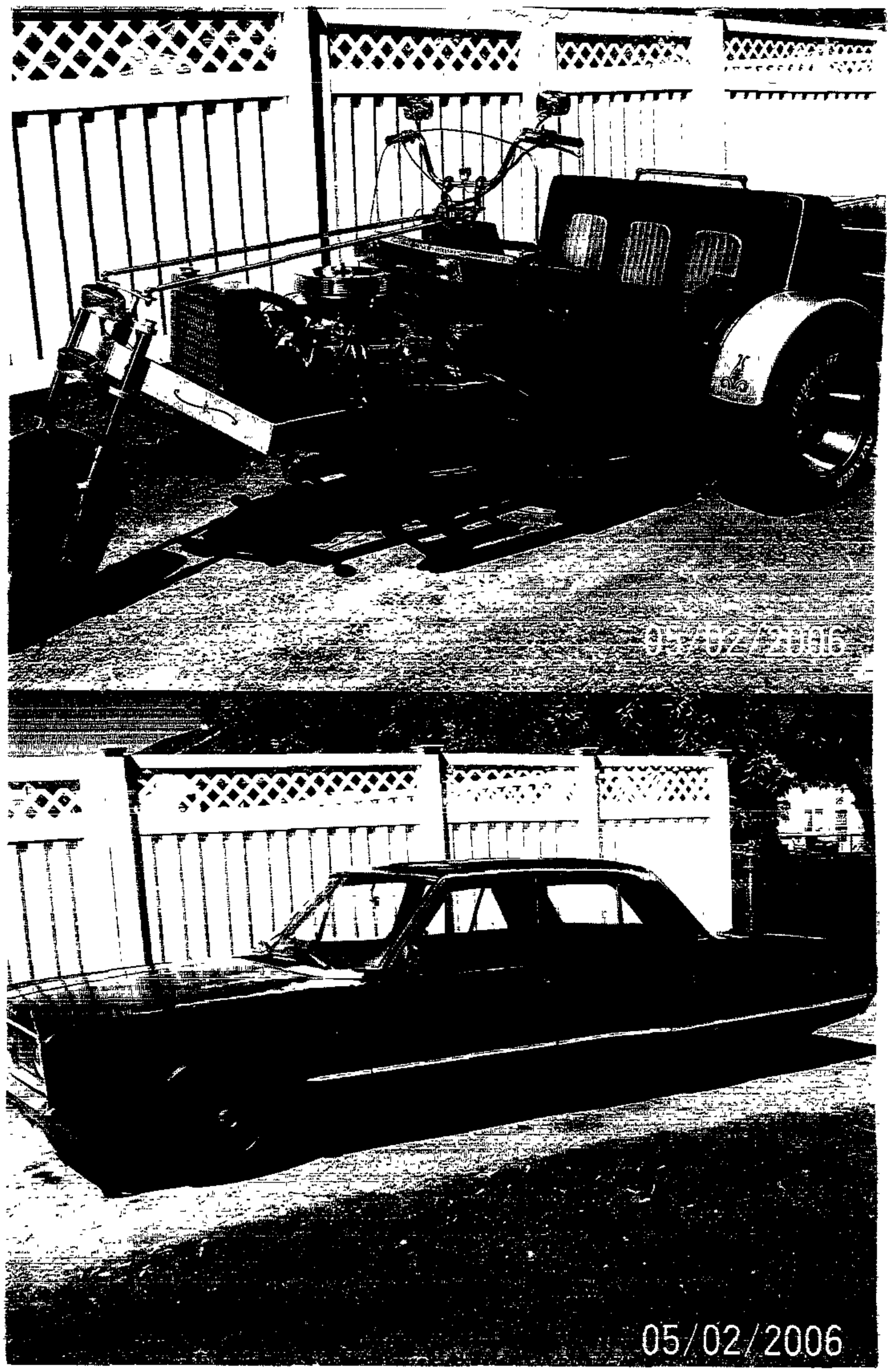


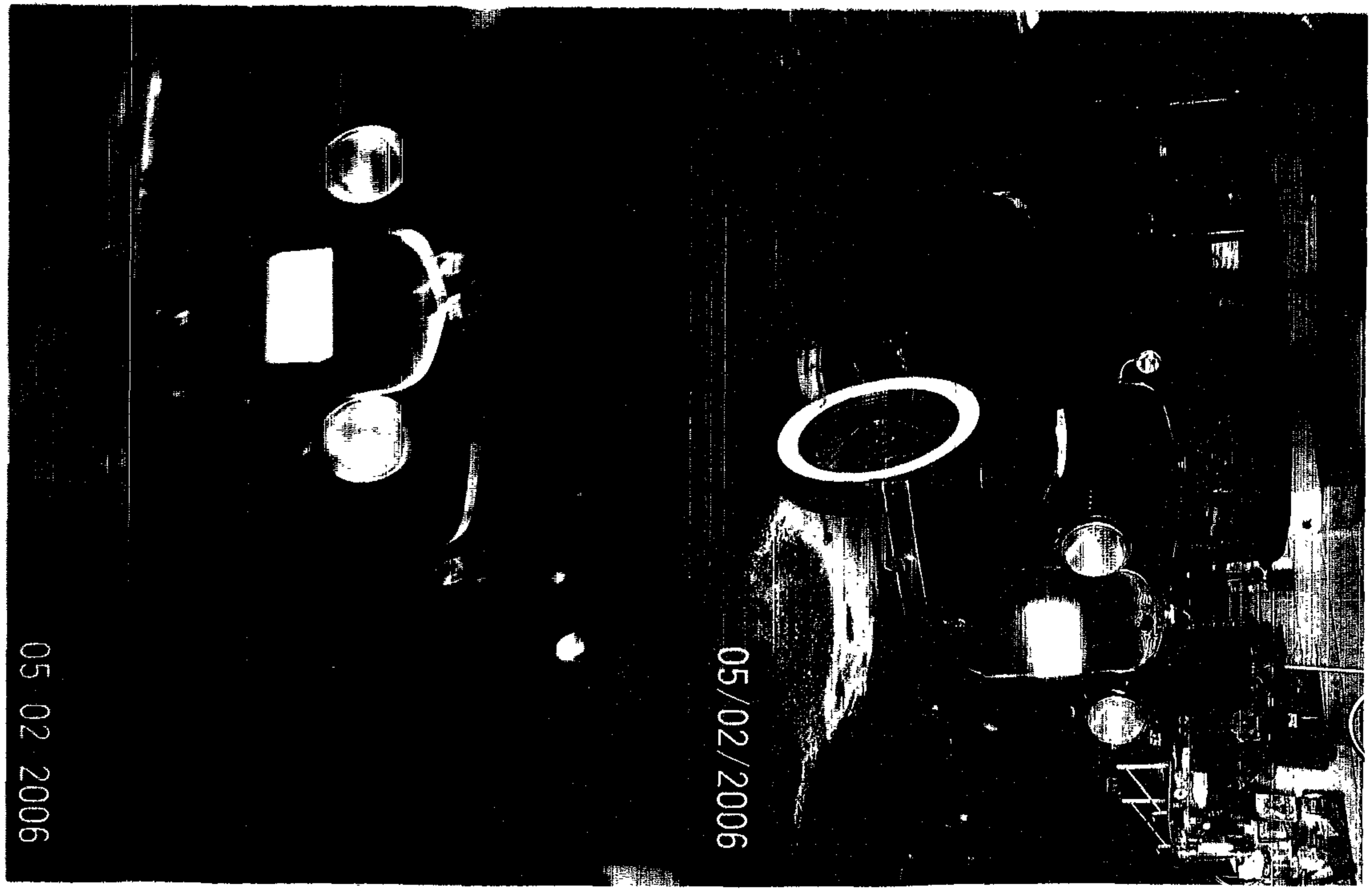


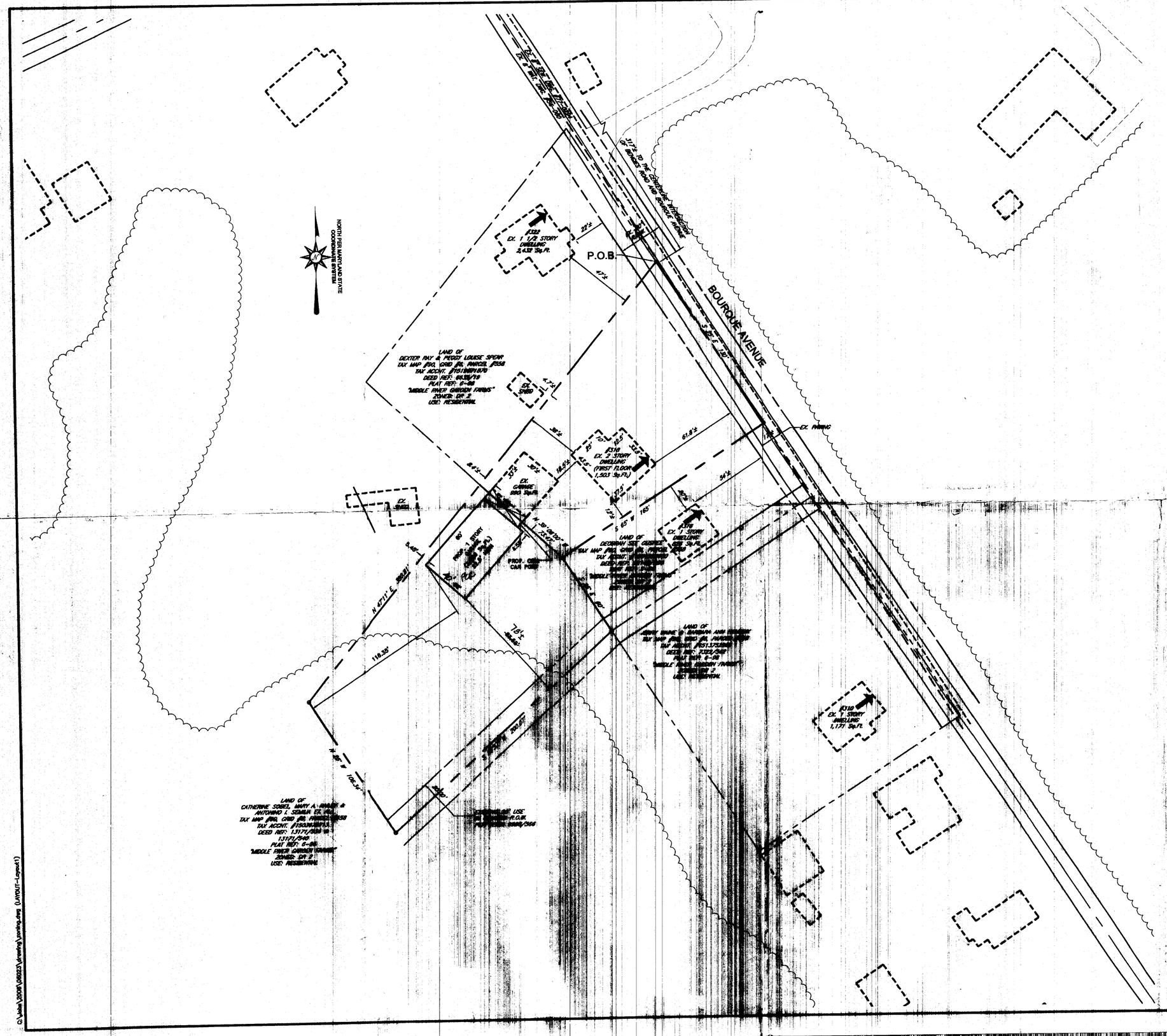
2B

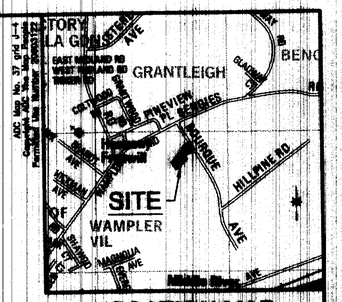
(2)




05/02/2006
05 02 2006

(3)





GENERAL NOTES:

1. OWNER: PHILIP W. RUBY
   #318 BOURQUE AVENUE
   BALTIMORE, MD 21220-1910
2. SITE AREA:
   GROSS: 41,477 Sq.Ft. or 0.952 Ac.±
   NET: 39,543 Sq.Ft. or 0.908 Ac.±
3. EXISTING 2 STORY DWELLING: 2,432 Sq.Ft.
   (1ST FLOOR 1,503 Sq.Ft. 2ND FLOOR 929 Sq.Ft.)
   & 1 STORY GARAGE 990 Sq.Ft.
4. PROPOSED 1 STORY GARAGE 22.5' HIGH: 2,100 Sq.Ft.
   TOTAL GARAGE AREA: 3,090 Sq.Ft. PER
5. UTILITIES
   PUBLIC WATER & PRIVATE SEWER
6. SITE DOES NOT LIE WITHIN THE 100 YEAR FLOODPLAIN.
7. PLAT REF: 6-96 "MIDDLE RIVER GARDEN FARMS"
8. DEED REF: 9753/370 & 9986/586
9. TAX ACCOUNT #1503000780 & 1519070240
10. ELECTION DISTRICT 15th
11. COUNCILMANIC DISTRICT 6th
12. REGIONAL PLANNING DISTRICT 327
13. CENSUS TRACT 4514
14. WATERSHED: BIRD RIVER
15. ZONING: DR 2
    (PER 1"=200' ZONING MAP 090C1)
16. TAX MAP #90, PARCEL #558
17. PREVIOUS ZONING CASES: NONE ON FILE
18. PREVIOUS PERMITS: NONE ON FILE
19. SITE DOES NOT LIE WITHIN CHESAPEAKE BAY CRITICAL AREA.
20. PROPERTY AND DWELLING ARE NOT HISTORIC.

477

Richardson Engineering, LLC
110 Old Padonia Road, Suite LC
Cockeysville, Maryland 21030
Phone: 410-560-1502 Fax: 410-560-0827

PLAN TO ACCOMPANY PETITION FOR A VARIANCE & SPECIAL HEARING FOR THE

RUBY RESIDENCE
318 BOURQUE AVENUE

15TH ELECTION DISTRICT — BALTIMORE COUNTY, MARYLAND

REVISIONS

DRAWN BY: CKD	DESIGNED BY: RCS	SCALE: 1" = 50'
DATE: 03-30-06	JOB NO.: D06023	SHEET NO.: 1 OF 1

G:\jobs\2006\D06023\drawing\zoning.dwg (LAYOUT-Layout1)